

Township of North Kawartha Terms of Reference

Committee Name:

Comprehensive Zoning By-Law Advisory Committee
(hereinafter referred to as "The Advisory Committee")

Committee Type:

The Advisory Committee before Council, subject to in-effect Procedure By-Law, as applicable.

Background:

The zoning by-law currently in effect for the Township of North Kawartha (26-2013) was approved on March 5, 2013, following the amalgamation of the former Township of Burleigh-Anstruther and the Township of Chandos. Since 2013, Zoning By-law 26-2013 has been amended through approval of private driven zoning applications and general amendments/reviews initiated by the Township. Currently, the Township of North Kawartha utilizes the July 2020 consolidated version of Comprehensive Zoning By-law ([#2013-26](#)).

The Township has monitored the effectiveness of the current Zoning By-law throughout the years, and has recognized a need to review and update the format, approach, language, definitions, provisions, and development standards found in the various zoning categories and general provisions.

As such, the Township of North Kawartha is seeking to develop a new Comprehensive Zoning By-law to reflect current and local community needs, implement policies which will support environmental and lake-protection initiatives, streamline the development review and approvals process, update ambiguous terminology and ineffective provisions, reduce the number of Zoning By-law Amendment and Minor Variance applications submitted to the Township, and to advance housing and growth targets while encouraging sustainable growth throughout the duration of the new Peterborough County Official Plan, as adopted.

On November 15, 2022, Motion 22 – 440 was passed by North Kawartha Council as follows:

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“That Council direct staff to bring back a report outlining a draft terms of reference for a new Comprehensive Zoning By-Law Advisory Committee and Short Term Rentals Advisory Committee.” Carried.

2. Purpose of the Terms of Reference

The purpose of this Terms of Reference document is to outline the detailed scope of work related to the preparation of a new Zoning By-law for the Township of North Kawartha through the comprehensive review and update of its existing by-laws, and to be consistent with provincial legislation, the County of Peterborough OP 2022-47, as adopted; pending approval of the Ministry of Municipal Affairs and Housing. Moreover, this document seeks to provide a clear understanding of the project material, roles and responsibilities, expectations, and key objectives that the advisory committee members will collectively seek to achieve throughout the term.

3. Goals:

The Comprehensive Zoning By-law Advisory Committee will assist in the implementation and deliverance of a new Zoning By-law that will envision the following goals:

- Implements the objectives and policies of the new Peterborough County Official Plan, 2022 (adopted);
- Complies with the Ontario Planning Act and other applicable legislation, including consistency with Ontario Building Code, Ontario Fire Protection & Prevention Act, the Municipal Act, the proposed new Provincial Policy Statement (2023), conformity with the Growth Plan for the Greater Golden Horseshoe (2020), and includes clear and enforceable regulations;
- Is written in accessible form, is easy to interpret and understand, and utilizes plain-language;
- Considers current impacts to housing supply within North Kawartha, housing trends, supports the initiatives and direction provided by provincial initiatives and programs, incorporates provisions to increase housing opportunities, supply, and affordability, and looks toward alternative methods of housing such as Tiny Homes;
- Support for as of right zoning changes that address items such as building height, yard setbacks, parking, types of housing being built (i.e. single, duplex, triplex, quadplex, low rise apartment/ condominiums);

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- Contains updated mapping and all previous and currently in-effect land-use by-laws that are not consolidated, including North Kawartha's Housekeeping by-law (#2023-0001), Tourist Trailer By-law (#2021-0095), Shipping Container By-law (#2021-0096), Floodplain mapping across Stoney Lake & Chandos Lake, OLT decisions and more;
- Encourages investment, economic opportunities and tourism, and desirable growth by providing for a streamlined process for the development community.

3. Key Issues Identified by Staff

The Advisory Committee shall take into consideration the following key issues relating to the Township's Comprehensive Zoning By-law that have been identified by staff. Please note that the below list is not exhaustive and may be subject to change depending on the direction of the Advisory Committee:

- To address and investigate current challenges presented by the recent Housekeeping By-law (#2023-0001);
- To investigate the potential of introducing a cumulative maximum lot coverage provision for the Shoreline Residential (SR) & Shoreline Residential Island (SRI) Zones;
- To review and increase the maximum area permitted for a Bunkhouse in the SR & SRI Zones;
- To review the maximum number of residential units permitted on a single lot within certain residential zones, in an effort to address and encourage more housing supply and rental opportunities within the Township, in accordance with the Planning Act and applicable legislation;
- To investigate ways to support business opportunities and growth in the General Commercial (C), Service Commercial (CH), Institutional (I), and General Industrial (M) zones;
- To encourage and support the growth of entrepreneurship and new home industry's and home occupations in North Kawartha, which represent a majority of businesses within the Township;
- To review the current minimum floor area requirements for new residential/recreation dwellings in all zones, in accordance with Ontario Building Code (OBC) regulations;

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- To review the requirements for the Shoreline Residential Permanent (SR-P) Zone;
- To update provisions and definitions for covered porches, gazebos and decks in the SR, SRI, and CS Zones;
- To review the Hamlet Residential (HR) Zone;
- To extend the permitted timeline for Construction Uses (S. 3.3) from 12 months to 24 months;
- To review and update parking requirements across various zones;
- To address current servicing standards and its relation to housing supply;
- To include accessibility updates that utilize plain language and updated illustrations/ graphics to support interpretation;
- To update provisions and definitions to remove redundant / repetitive wording, and create regulations that reflects modern land use planning and design practices;
- To update zone regulations to conform to land use permissions in the County of Peterborough OP 2022-47, and accurately reflect the intent of the land use designations and policies contained therein;
- To review road frontage requirements with respect to development proposals on private roads;
- To update land-use schedules and mapping using GIS, in accordance with the new County of Peterborough OP 2022-47,;
- To examine and identify situations where there are land uses that do not conform to the County of Peterborough OP 2022-47 and recommendations made to either permit the existing uses or new uses that represent a shift or transition in use toward the use designated in the Official Plan as adopted; and
- To consider the use of form-based or mixed-use zoning to implement the objectives and policies of the County of Peterborough OP 2022-47.

5. Scope of Work

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To achieve the above-noted goals and objectives, a three-stage approach is envisioned as set out below. This approach is simply a guide and the exact work-plan may be subject to refinement based on submissions received and further discussions of the Advisory Committee.

5.1. Phase 1: Review & Analysis

Anticipated Timeline (April- July 2024)

- The Advisory Committee will participate in an education session to discuss authority under Section 34 of the Planning Act, the scope of Zoning By-law documentation and schedules, and the implications that new Zoning By-law provisions may have on existing legal non-conforming/ complying buildings and structures, and more;
- Conduct a review of the Township’s current zoning by-law and all zoned-lands within North Kawartha;
- Conduct a review of the existing zoning by-laws compared to the new County of Peterborough Official Plan;
- Conduct an analysis of zoning trends (i.e. minor variance application trends);
- Conduct a best practices review of other municipalities of similar size and rural-character that have recently undertaken work to create a comprehensive zoning by-law, in order to identify potential approaches, challenges and opportunities;
- Review applicable and relevant legislation, documents, and provincial tools (i.e. The Planning Act, The Municipal Act, Fire Code, Building Code, provincial initiatives and programs and more);
- Strategize efforts to support public education on specific issues as it relates to zoning regulations, including but not limited to additionally residential units (ARU’s), size of homes, etc.;
- Work in collaboration with the Township Planner to produce a detailed technical review of the current zoning by-laws and zoning issues and trends;

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- Consult with the Township's Chief Building Official to ensure any proposed updates to the Zoning By-law are in accordance with Ontario Building Code regulations;
- Direct the Township Planner to prepare reports to Council as needed, based on the work and findings of the Advisory Committee.

5.2. Phase 2: Preparation of the Draft Final Report

Anticipated Timeline: (January- March 2025)

- Conduct a further, more refined analysis of the discussions and key findings identified during Phase 1, inclusive of any feedback from Council;
- Discuss and identify the scope of work anticipated to replace the current zoning by-law – including text and mapping changes;
- Anticipate the consultation, resources, timeline, and budgeting that will be required to replace the current zoning by-law (i.e. consulting services, mapping and GIS services, First Nation consultation/ engagement, developer engagement, lake association group engagement, etc.);
- Identify challenges and policy implications relating to recent provincial direction that may affect the new zoning by-law (i.e. the new PPS, the elimination of the Growth Plan);
- Work in collaboration with the Township Planner to prepare and produce a Draft Final Report and Draft Zoning By-law Amendment (Consolidated), that incorporates the findings, analysis, identified trends, and recommendations of the Advisory Committee.

5.3. Phase 3: Final Report Deliverable

Anticipated Timelines: (March- June 2025)

- Discuss the key takeaways and critical findings from Phase 1 & 2;
- Identify the information and organization that is to be included in the final report deliverable;
- Prepare a new draft 'redlined' comprehensive zoning by-law document, in addition to a detailed, finalized report that incorporates a summary of the review, findings, and recommendations of the Advisory Committee as it

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relates to the implementation of the Township's new comprehensive zoning by-law and mapping schedules;

- Provide the new draft 'redlined' comprehensive zoning by-law document to the Township's solicitor for a legal review;
- The Advisory Committee will present and provide the finalized report and new draft 'redlined' comprehensive zoning by-law document to Council for review and comment.

5.4: Phase 4: Implementation Plan

Anticipated Timelines: (June- September 2025)

- Release the new draft 'redlined' comprehensive zoning by-law document to members of the public for consultation, comment and feedback;
- Make revisions as necessary based on public consultation feedback.

6. Term:

The term of the Advisory Committee shall be until the completion of its mission or for the term of current Council, whichever comes first. Council has the authority to dissolve the Advisory Committee at any time or remove a member from the Advisory Committee if deemed necessary.

7. Composition:

The Advisory Committee membership shall comprise a total of five (5) members, with two (2) members being North Kawartha Council members and three (3) members being members of the public appointed by Council.

The Secretary for the Advisory Committee shall be the Clerk or designate or a member of the Advisory Committee elected to be Secretary.

Municipal staff resources include but are not limited to the following:

- Chief Building Official;
- Planner and/or Planning Consultant;
- Economic Development Officer;
- Clerk/ Deputy Clerk
- Chief Administrative Officer;
- Peterborough County Planning Department Staff;
- Peterborough County GIS Staff;
- Crowe Valley Conservation Authority (CVCA) Staff;
- Hiawatha First Nations Community Member Representatives and/or Resources Consultation Officers;

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Kawartha Nishnawbe First Nation Community Member Representatives and/or Resources Consultation Officers;

- Curve Lake First Nations Community Member Representatives and/or Resources Consultation Officers.

8. Remuneration:

Council and Advisory Committee members will be paid according to the in-effect By-Law to Establish Rates of Remuneration for Council and its Boards and Advisory Committees of the Township of North Kawartha. Staff will be paid as per their regular salary arrangement. Volunteers will not be paid. Mileage will be provided at the current mileage rate at the Township of North Kawartha and in keeping with current policy.

9. Reporting Relationships:

The Advisory Committee will report to Council through the Chair and shall make recommendations to Council. A copy of the "unapproved" minutes of each meeting shall be submitted to Council for information as soon as reasonable.

10. Reports & Deliverables to Council:

Written reports and deliverables will be produced by the Township Planner, in consultation with the Chair, and will be provided to Council at regular meetings of Council, as deemed necessary and in accordance to the project stages when direction from Council or approvals or decisions of Council is required.

11. Meeting Procedures:

The Advisory Committee is subject to the Township's in-effect Procedure By-Law, as may be amended from time to time.

Committee meetings shall be held monthly, or at the call of the Chair. Notice of meetings shall be posted at a minimum on the North Kawartha website. The Advisory Committee Secretary may provide any additional notice as deemed appropriate or desirable.

At the call of the Chair, meetings may be held virtually, in a hybrid format or in-person in the North Kawartha Council Chambers, located at 280 Burleigh Street,

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Apsley. Meetings are recorded and maintained on the Township of North Kawartha YouTube Channel, in addition to the Township's website.

Meetings shall be open to the public with the exception of any requirement for a meeting to be closed to the public as set out in Section 239 of the Municipal Act.

The Advisory Committee shall have due regard and consideration for any delegations or professionals that Council may deem appropriate.

Agendas and minutes shall be prepared for all meetings as set out in the Township's Procedure By-Law. All Advisory Committee minutes and recommendations shall be provided to Council at the next reasonable meeting of Council. Recommendations to Council will not be acted upon until approved by motion of Council.

12. Roles, Responsibilities and Resources:

12.1. Role of the Chair

"Committee Chair" means the Chairperson of the Advisory Committee, appointed by Council, who shall have the same powers during a Advisory Committee meeting as the Head of Council during Council meetings.

The Chair shall be a voting member of the Advisory Committee.

The Chair is responsible for but not limited to the following:

- Calling the meeting to order and welcome those in attendance
- Chairing the meeting and maintaining order and decorum.
- Providing an opportunity for every member to participate.
- Determining the business to be added to the Agenda and approving meeting Agendas.
- Ensuring that the mission, objectives and outcomes for the Advisory Committee are clearly defined and that their achievement is well documented.
- Presenting recommendations of the Advisory Committee to Council.

12.2. Role of the Vice-Chair

The Vice-Chair, elected by the Advisory Committee, shall assume the Role of the Chair in the Chair's absence.

12.3. Role of the Secretary

The Secretary for the Advisory Committee shall prepare and circulate agendas and maintain minutes of the meetings. The Secretary will submit all agendas and minutes to the Chair for review prior to distribution.

12.4. Role of Committee Members

Advisory Committee members will fully participate in the discussion at meetings, will research and contribute information, provide new information and complete tasks as assigned by the Advisory Committee.

To support full participation, a member who misses three consecutive meetings, without prior approval from the Chair, will be removed from the Committee and the position may be filled by Council appointment.

12.5. Role of Municipal Staff

Municipal staff will assist the Advisory Committee by attending meetings, providing guidance and undertaking research as may be required. The Township Planner will provide professional planning direction and advice to the Committee on an as needed basis.

12.6. Volunteers

Volunteers may be engaged for special projects upon Council approval.

13. Code of Conduct / Conflict of Interest

Members are subject to the provisions of the Council Code of Conduct and the Municipal Conflict of Interest Act and shall declare any direct or indirect pecuniary interest in a matter before the Advisory Committee and shall refrain from participating in any discussion or votes pertaining to the matter.

14. Decision Making

The following principles shall guide the recommendations of the Advisory Committee:

- The Advisory Committee shall operate in a professional, non-judgmental manner, respecting individual rights and confidentiality, employing no fault discussion and reaching consensus;
- The Advisory Committee will strive for consensus with consensus being defined as being able to live with and support a decision, which does not necessarily require total agreement;

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- The Advisory Committee's recommendations to Council shall be made by motions that are moved, seconded and duly passed by a majority of members voting in favour;
- At any meeting of the Advisory Committee, a quorum shall consist of a presence of the majority of all members of the Advisory Committee. In the case of a Advisory Committee comprised of five (5) members, the majority shall be three (3) members present;
- The Chair shall allow for and control participation in discussion by all members present;
- When a matter is put to a vote, all voting members of the Advisory Committee shall vote unless prohibited by Statute. A decision can only be passed by a majority of the voting members present voting in favour;
- Where a Member elects not to vote, the action shall be considered to be a negative vote to the motion.

15. Municipal Resources

The Advisory Committee will be supported in its mission with appropriate municipal resources. Requests for additional resources must be approved by Council.

16. Sub-Committees/Working Groups/Public Open Houses:

Upon approval of Council:

- The Advisory Committee may establish sub-committees/working groups to support a specific scope of work. Public members of the sub-committee/working group shall be selected in accordance with the current by-law to adopt a policy for public appointments to North Kawartha Boards and Advisory Committees. Members shall be accountable through the Advisory Committee to Council.
- The Advisory Committee may hold public consultations (ie. on-line surveys etc.). Council will hold a Public Open House once final recommendations have been received from the Advisory Committee.

17. Budget and Procurement:

The Advisory Committee is not responsible for budget and all requests for funding must be made through Council. The in effect Procurement by-law must be followed to obtain prices or quotations. Approval of Council shall be required prior to the expenditure of any funds.

18. Errors / Omissions:

The non-receipt of any notice by any member does not invalidate any resolution passed or any proceedings taken at the meeting provided a quorum is present.

19. Amendments

Amendments to the Terms of Reference can only be made by Council.

The Advisory Committee may review and make recommendations to Council regarding the Terms of Reference at any time.